



217 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRA-S-1028-SB-2016 (O&M)**  
**DECIDED ON: 26.09.2024**

VIKAS KUMAR @ KAKA

.....APPELLANT

## VERSUS

**STATE OF PUNJAB**

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Dilpreet Singh Gandhi, Advocate  
for the appellant.

Mr. Jasjit Singh Rattu, DAG, Punjab.

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**SANDEEP MOUDGIL, J (ORAL)**

1. The instant appeal has been preferred by the appellant namely Vikas Kumar @ Kaka, challenging the judgment of conviction and order of sentence dated 18.02.2016 passed by Sessions Judge, Amritsar whereby he has been sentenced to undergo RI for a period of two years along with fine to the tune of Rs.2000/- and in default thereof, to further undergo RI for six months for commission of offence under Section 452 IPC; to undergo RI for a period of one year along with fine to the tune of Rs.1000/-; in default thereof, to further undergo RI for a period of 3 months for commission of offence under Section 323 IPC.

2. At the very outset, learned counsel for the appellant contends that he does not want to challenge the conviction of the appellant on merits. However, he submits that in view of the circumstances of the case, the sentence awarded



by the trial Court is on higher side.

3. Here it would be pertinent to mention that the appellant does not challenge his conviction on merits and only confined his relief qua quantum of sentence. This Court has also scrutinized the impugned judgment as well as the relevant documents/evidence and is of the considered view that there is no scope for any interference in impugned judgment as far as the conviction of the appellant is concerned. As such, the conviction of the appellant is upheld.

4. As far as quantum of sentence is concerned, there are mitigating circumstances to take a lenient view in the matter of sentence awarded by the trial court. Apart from the fact that the appellant has already faced the agony of protracted trial for sufficient time, he is married having two daughters. The appellant has already undergone the actual sentence for a period of 5 months approximately as of now, out of total substantive sentence of two years, who is not a previous convict, meaning thereby, he is not a habitual offender. Thus, this court is of the considered view that a chance be given to the appellant to reform & improve himself; to become a good citizen; and to lead a peaceful & harmonious life.

5. Taking into consideration the above narrated discussion as well as the fact that the appellant has not challenged his conviction on merits, while affirming his conviction, the order of sentence is modified to the extent to the period already undergone by him with no change in fine clause.

6. With the aforesaid modification in the quantum of sentence, the present appeal stands disposed off.

7. The appellant is ordered to be released forthwith in case he is not required in any other case.



8. Pending criminal misc. application, if any shall also disposed off.

26.09.2024

*sham*

(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned :* Yes/No

*Whether reportable :* Yes/No